

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 481B.3, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 77, "Endangered and Threatened Plant and Animal Species," Iowa Administrative Code.

The rules in Chapter 77 list plant and animal species whose continued existence within Iowa has been found to be endangered, threatened, or of special concern. The proposed amendments upgrade the status of the bald eagle and peregrine falcon from endangered to special concern species and correct a typographical error in the common name of the Forster's tern. It is proposed that the bald eagle be listed as special concern rather than being removed from the list because of the potential effects from lead poisoning. Additional monitoring will be conducted to ensure that the bald eagle and peregrine falcon continue to increase or remain stable before they will be removed from the special concern list. Information documenting the current status of these species in Iowa may be found on the Department's Web site at <http://www.iowadnr.gov/other/threatened.html>.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 16, 2009. Such written materials should be directed to the Endangered Species Program, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Endangered Species Program at (515)281-8524 or at the Endangered Species Program offices on the fourth floor of the Wallace State Office Building.

A public hearing will be held on July 16, 2009, at 10 a.m. in the Fourth Floor East Conference Room, Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 481B.

The following amendments are proposed.

ITEM 1. Amend subrule 77.2(1), listing for "Birds," as follows:

Birds

Red-shouldered Hawk	Buteo lineatus
Northern Harrier	Circus cyaneus
Peregrine Falcon	Falco peregrinus
Piping Plover	Charadrius melodus
Common Barn Owl	Tyto alba
Least Tern	Sterna antillarum
Bald Eagle	Haliaeetus leucocephalus
King Rail	Rallus elegans
Short-eared Owl	Asio flammeus

ITEM 2. Amend subrule **77.2(3)**, listing for “Birds,” as follows:

Birds

~~Forester's~~ Forster's Tern

Black Tern

Peregrine Falcon

Bald Eagle

Sterna forsteri

Chlidonias niger

Falco peregrinus

Haliaeetus leucocephalus